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# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

### Complete if Known

Application Number	09/581,753
Filing Date	October 24, 2000
First Named Inventor	Joseph Wayne Forler
Examiner Name	Kieu-Oanh T. Bui
Art Unit	2623
Attorney Docket No.	RCA88836

### METHOD OF PAYMENT (check all that apply)

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☒ Deposit Account Deposit Account Number: 07-0832 Deposit Account Name: Thomson Licensing, Inc.

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
_____ - 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
_____ - 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	= _____	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)

Other (e.g., late filing surcharge): Appeal Brief \$500.00

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 34,721	Telephone 212-971-0416
Name (Print/Type)	Jack Schwartz	Date October 30, 2006	

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : Joseph Wayne Forler  
Serial No. : 09/581,753  
Filed : October 24, 2000  
For : Program Signal Blocking System  
Examiner : Kieu-Oanh T. Bui  
Art Unit : 2623

APPEAL BRIEF

11/02/2006 SSESHE1 00000093 070832 09581753

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May It Please The Honorable Board:

Appellants appeal the Final Rejection dated April 3, 2006 of Claims 1-11 of the above-identified application. The fee of five hundred dollars (\$500.00) for filing this Brief and any associated extension fee is to be charged to Deposit Account No. 07-0832. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Mail Stop: Appeal Briefs - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Signature Date: 10/30/06

**I. REAL PARTY IN INTEREST**

The real party in interest of Application Serial No. 09/581,753 is the Assignee of record:

Thomson Licensing S.A.  
46 quai Alphonse Le Gallo  
F-09100 Boulange Brillancourt  
France

**II. RELATED APPEALS AND INTERFERENCES**

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/581,753 known to the undersigned attorney.

**III. STATUS OF THE CLAIMS**

Claims 1-11 are rejected and the rejection of claims 1 - 11 are appealed.

**IV. STATUS OF AMENDMENTS**

All amendments were entered and are reflected in the claims included in Appendix I.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 1 claims an apparatus (10) including a signal input (page 4, lines 26-27 and Fig. 1 reference no. 100) for receiving a program signal associated with one of a plurality of signal channels (page 4, lines 26-29). The signal input selects one of the plurality of signal channels in response to a user input (page 4, lines 29-31). A signal output provides an output signal derived from the program signal (page 3, lines 15-19). An auxiliary data decoder (page 7, lines 15-18 and Fig. 1 reference no. 115) detects program related information included in each program signal (page 7, lines 31-33). A processor (page 4, lines 33-38 and Fig. 1 reference no. 112) is operatively connected to the signal input, the signal output and the

auxiliary data decoder. The processor is responsive to user selection of a first operating mode (page 1, line 36-page 2, line 1) for controlling the output signal in a predetermined manner to reduce user access to the output signal for at least until the program related information is detected upon user selection of a new one of the plurality of signal channels (page 3, lines 24-34). Also, the processor is responsive to a user selection of a second operating mode that provides user access to the output signals prior to detection of the program related information (page 11, lines 4-13).

Dependent claim 2 includes an apparatus having the limitations of independent claim 1, and further includes a second signal input (page 6, lines 22-26 and Fig. 1 reference no. 101, Fig. 1 reference no. 102) for providing a second program signal from a second signal source (Fig. 1 and page 3, lines 8-12). Additionally, a switch (page 6, lines 26-28 and Fig. 1 reference no. 140) is included for operatively coupling the two signal inputs to the signal output, which is derived from one of the program signals (page 6, lines 19-29). The processor controls the output signal in a predetermined manner when the user selects one of the signal inputs for at least until the program related information is displayed (page 5, line 27-page 6, line 4).

Dependent claim 3 includes an apparatus having the limitations of independent claim 1, wherein the program signal is a television signal (page 4, lines 26-29).

Dependent claim 4 includes an apparatus having the limitations of independent claim 1, wherein the program signal comprises a plurality of digital signal packets (page 1, lines 15-20).

Dependent claim 5 includes an apparatus having the limitations of independent claim 1, wherein the program signal comprises a plurality of time-multiplexed digital signal packets (page 7, lines 11-15 and page 10, lines 30 - 40).

Dependent claim 6 includes an apparatus having the limitations of independent claim 1, wherein the predetermined manner of control comprises one of blanking the video signal, replacing the video signal with an On Screen Display message, muting the audio signal and disabling associated closed captions (page 5, lines 29-39).

Dependent claim 7 includes an apparatus having the limitations of independent claim 1, wherein the processor is further responsive to user selection of a second operating mode for controlling the output signal in a predetermined manner for at least until the program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels (page 3, lines 24-32 and page 5, lines 38-39 and page 6, lines 1-4).

Dependent claim 8 includes an apparatus having the limitations of independent claim 1, wherein the processor is capable of providing an On Screen Display menu for allowing a user to select the first operating mode (page 5, lines 20-23).

Dependent claim 9 includes the apparatus according to claim 8, wherein the processor is capable of providing a restricted access On Screen Display menu for allowing user selection of the first operating mode (page 11, lines 14-16).

Dependent claim 10 includes the apparatus according to claim 9, wherein access to the On Screen Display menu is password protected (page 11, lines 16-17).

Independent method claim 11 includes a method for selectively blanking a display, having similar limitations of independent claim 1. The steps include changing a channel (page 9, line 27 and Fig. 3 reference no. 230), blanking the display (page 9, line 27 and Fig. 3 reference no. 232), tuning to the selected channel (page 9, line 27 and Fig. 3 234) and determining whether a default blanking mode has been set. The display is blanked (page 9, lines 31-36) unless a default blanking mode has not been set, in which case the display is unblanked (page 9, line 32 and Fig. 3 reference no. 236). A determination is made as to whether authorization exists for displaying the selected channel. If authorization for displaying the selected channel exists, it is displayed, otherwise it is blanked (page 9, line 34-page 10, line 6 and Fig. 3 reference no. 242-256).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1 – 3, 6 – 7 and 11 are rejected under 35 USC 103(a) as being unpatentable over Rumreich (U.S. 5,995,160) in view of Ford (U.S. 6,181,364 B1).

Claims 4 – 5 and 8 – 10 are rejected under 35 USC 103(a) as being unpatentable over Rumreich (U.S. 5,995,160) and Ford (U.S. 6,181,364 B1) as disclosed in claim 1 above and in further view of Collings (U.S. 5,828,402).

## **VII. ARGUMENT**

Rumreich in view of Ford does not make claims 1 – 3, 6 – 7 and 11 unpatentable. Thus, reversal of the rejection of claims 1 – 3, 6 – 7 and 11 under 35 U.S.C. § 103(a) is respectfully requested. Moreover, Rumreich in view of Ford and further in view of Collings does not make claims 4 – 5 and 8 – 10 unpatentable. Thus, reversal of the rejection of claims 4 – 5 and 8 – 10 under 35 U.S.C. § 103(a) is respectfully requested. Reversal of the Final Rejection (hereinafter termed “rejection”) of claims 1 – 3, 6 – 7, 11 and 4 – 5 and 8 – 10 under 35 U.S.C. § 103(a) is respectfully requested.

### **Overview of the Cited References**

Rumreich describes a video signal processing apparatus for blanking main and auxiliary images in a multi-image display, e.g., a PIP or POP display, independently. The blanking may be part of a V-chip feature in which blanking occurs in response to auxiliary information, such as XDS data that is included in a video signal to indicate the content of television programming.

Ford describes a system for filtering out potentially objectionable content from a video. Videos are filtered by using the embedded information that identifies potentially objectionable substitution events. The system determines which substitution events are to be filtered out based on selectable ratings settings. If desired, filtered video images may be replaced with blank video images and filtered audio signals may be replaced with silence or a tone. Filtering may also involve making substitutions of audio or video information. Audio information in a

substitution event may be replaced by appropriate audio segments. Video information in a substitution event may be replaced by a video still or by a video clip (See Abstract).

Collings describes a method and apparatus for blocking the reception of television programming which meets specified criteria. Data packets describing television programming are broadcast with the television signal. The data packets include at least packets which contain category information specifying a level in one or more multi-level categories and/or label information specifying labels applied to the program content of the signal. Data packets in an incoming video signal are detected by a blocking apparatus and compared to preferences stored in non-volatile memory in the blocking apparatus. If the contents of the data packets match or exceed the stored preferences then the video signal is blocked. The apparatus is field configurable. Configuration information specifying the rating scheme is transmitted to the apparatus. The methods of the invention are extremely flexible and allow several different rating systems to be used simultaneously (See Abstract).

**Rejection of Claims 1 – 3, 6 – 7 and 11 under 35 USC 103(a)**  
**over Rumreich (U.S. 5,995,160) in view of Ford (U.S. 6,181,364 B1)**

Rumreich in view of Ford does not make claims 1 – 3, 6 – 7 and 11 unpatentable. Thus, reversal of the Final Rejection (hereinafter termed “rejection”) of claims 1 – 3, 6 – 7 and 11 under 35 U.S.C. § 103(a) is respectfully requested.



In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

#### CLAIMS 1, 3, 6 and 11

Independent claim 1 describes an apparatus comprising a signal input for receiving a program signal associated with one of a plurality of signal channels. The signal input selects one of the plurality of signal channels in response to a user input. A signal output provides an output signal derived from the program signal. An auxiliary data decoder detects program related information included in each program signal. A processor is operatively connected to the signal input, the signal output and the auxiliary data decoder. The processor is responsive to the user selection of a first operating mode for controlling the output signal in a

predetermined manner to reduce user access to the output signal for at least until the program related information is detected upon user selection of a new one of the plurality of signal channels. The processor is also responsive to a user selection of a second operating mode that provides user access to the output signals prior to the detection of the program related information. Rumreich, when taken alone or in combination with Ford, does not show or suggest the features of the present claimed invention.

Rumreich describes a system for blanking main and auxiliary images in a multi-image display. This system blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, this system is not concerned with the delay time required for a television receiver to receive and decode the program related information included in the auxiliary image data as in the present claimed invention.

Program Rating packets should be repeated at intervals no greater than 3 seconds unless delayed by closed caption data in the proposed ANSI/EIA-608A technical specification for the transmission of XDS Program Rating packet. Thus, when a new channel is selected, the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. Rumreich is not concerned with the delay time between selection and tuning a new channel and receipt of the program related information data as in the present claimed invention. Therefore, as Rumreich neither discloses nor suggests restricting access prior to performing a ratings comparison, Rumreich neither discloses nor suggests “reduce[ing] access to the output signal for at least until the program related information is detected” as in the present claimed invention.

As discussed in Col. 5, lines 31-40 of Rumreich, the central processing unit, upon receipt of a command provided by a user, sends a change channel command along with channel data to the tuner which tunes the next channel. Col. 6, lines 18-50 of Rumreich describes a system whereby the programming information is received and then compared to a “user-selected rating limit.” Although Rumreich blanks the image “if the content is over the limit” as asserted by the Office Action, a comparison must be made to determine if the content is within the limit prior to doing so. Only after the comparison, if the content exceeds the user-selected rating limit, is the displayed image modified, such as by blanking the image. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related information is detected.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. The present claimed invention thus restricts user access until it is determined that an output should be displayed. Rumreich is not concerned with reducing user access to an output prior to receipt of the program related information as in the present claimed invention. Additionally, if the system described by Rumreich fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the comparison time by “reduce[ing] user access to said output for at least until said program related information is detected” as recited in claim 1 of the present invention.

Furthermore, the Office Action asserts that Col. 12, lines 14-25 of Rumreich recites “unblanking if the content is within the limit.” Applicant respectfully disagrees with this.

Column 12, lines 14-25 is concerned with “modification of an auxiliary image, such as blanking the small picture in a picture-in-picture (PIP) display, independent of the modification of the main picture” (Col. 12, lines 15-18) when the “PIP video program exceeds a user specified rating limit” (Col. 12, lines 22-23). Rumreich does not “reduce user access to said output signal” as in the claimed invention if the program is within the specified rating limit. Furthermore, Rumreich in Col. 10, lines 1-42 describes blanking and not blanking the video signal during the retrace interval. However, Rumreich does not address the issue of reducing user access to the output signal for at least until the program related information is detected as in the present claimed invention. Therefore, blanking and not blanking during a retrace interval in Rumreich is not equivalent to, and does not disclose or suggest, “reduce[ing] user access to said output signal for at least until the program related information is detected” as recited in claim 1 of the present invention.

Ford is concerned with filtering out objectionable events during a television program or movie, such as profane or vulgar language or sexual or violent graphics. Objectionable video images and audio clips are temporarily replaced with non-offensive images and audio segments. Furthermore, the Office Action contends that “the objectable events” (or substitution events) for embedded codes and low end default blocking described in Col. 3, line 64 to Col. 4, line 11 of Ford perform the same function as the default blocking mode in the present claimed invention. Applicant respectfully disagrees with this. The substitution event codes, as described by Ford, are embedded in a video to identify the location and nature of substitution events. The “default action” described in Col. 4, lines 23-31, of Ford refers to the alternative action taken when a substitution event is detected. In certain low-end embodiments, the default action is to blank and mute the screen when objectionable material is

detected. In higher-end embodiments, however, each substitution event code in the substitution event table has a corresponding entry (substitution attribute). The substitution attribute specifies a more complex type of action to be taken when a substitution event is detected. Thus, the substitution events must be detected by the introduction of the substitution event codes prior to displaying a blank screen. Unlike the present claimed invention, Ford only acts on the detection of a substitution event. Ford does not disclose or suggest operating "to reduce user access to said output signal for at least until said program related information is detected" as recited in claim 1. That is, taking no action until a substitution event is detected as in Ford is wholly unlike the present claimed invention which takes action to reduce user access "upon user selection of a new one of said plurality of signal channels" and continues such control at least until the processor determines whether the blocking criteria is met with respect to the program on the newly selected channel. In Ford, similarly to Rumreich, program related information must be received in order to determine if the output signal should be blocked. Therefore, Ford, similarly to Rumreich, neither discloses nor suggests "a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels" as recited in claim 1 of the present invention.

Furthermore, combining the systems of Rumreich and Ford as suggested by the Office Action would result in a video signal processing system capable of blanking main and auxiliary images in a multi-image display while providing audio and video replacement clips when substitution events are detected. However, this combined system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display based upon ratings data while the

objective of Ford is to provide substitutions for potentially objectionable content in a tuned video. In contrast, the present claimed invention addresses the problem of displaying objectionable content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by reducing access to the output signal for at least until said program related information is detected upon user selection of a new one of plurality of signal channels. Reducing user access in each of Rumreich and Ford is dependent upon receipt of a V-block indication or detection of a substitution event. Therefore, Rumreich and Ford neither disclose nor suggest “reduce[ing] user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels” as recited in claim 1 of the present invention.

In view of the above remarks, Applicant respectfully submits that Rumreich and Ford, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes independent claims 1 and 11 unpatentable. As claims 3 and 6 are dependent on independent claim 1, all above arguments also apply to each of these claims. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

#### CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 2. Claim 2 is also considered to be patentable because Rumreich (with Ford) neither disclose nor suggest “comprising a second signal input for providing a second program signal from a second signal source, and a switch for operatively coupling one of said signal input and second

signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected” as recited in claim 2 of the present invention.

The Office Action asserts that Rumreich describes “a second input signal...because an RF-in (input) can be from different sources such as from an antenna or a (video) cable and CV2 can be from a VCR and a video switch 142 under the control of the processor 115 is selectively switching the corresponding input signals and provides appropriate program signals as the user selects signal inputs with the input interface control 125 (col. 5/lines 3-40)” which is similar to claim 2 of the present invention. The applicant respectfully disagrees. While Rumreich and claim 2 of the present claimed invention both involve second input signals, the operation of the second input signal of the present claimed invention is wholly unlike the operation described by Rumreich. Specifically, the present claimed invention recites “comprising a second signal input for providing a second program signal from a second signal source, and a switch for operatively coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected.” Furthermore, similar to claim 1 of the present claimed invention, claim 2 provides that the processor controls the output signal derived from one of the respective program signals in a predetermined manner when the user selects one of the signal inputs for at least until the program related information is detected. This is neither suggested nor disclosed by Rumreich. Rumreich merely describes that two input signals can exist. Furthermore, Rumreich does not

describe controlling the output signal in a predetermined manner when the user selects one of the signal inputs for at least until program related information is detected as in the present claimed invention. In Rumreich, when a new channel is selected, the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. During the delay time between selection and tuning a new channel and receipt of the program related information data, a viewer may view potentially objectionable content. The present claimed invention solves this problem by controlling the output signal for at least until program related information is detected. Therefore, Rumreich neither discloses nor suggests the “coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected” as recited in claim 2 of the present invention.

Ford is concerned with filtering out objectionable events during a television program or movie, such as profane or vulgar language or sexual or violent graphics. Objectionable video images and audio clips are temporarily replaced with non-offensive images and audio segments. Unlike the present claimed invention, Ford only acts on the detection of a substitution event. Ford is not concerned with blocking out material until program related information is detected for either a first signal input or a second signal input. Thus, Ford is wholly unlike the present claimed invention in which the system controls the output signal for at least until the program related information is detected. Therefore, Ford neither discloses nor suggests “a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is



detected upon user selection of a new one of said plurality of signal channels” as in claim 1 and “a second signal input for providing a second program signal from a second signal source ... wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected” as recited in claim 2 of the present invention.

Furthermore, combining the systems of Rumreich and Ford as suggested by the Office Action would result in a video signal processing system capable of blanking main and auxiliary images in a multi-image display while providing audio and video replacement clips when substitution events are detected. However, this combined system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display while the objective of Ford is to provide substitutions for potentially objectionable content in a video. Rumreich and Ford each depend upon a receipt of a V-block indication or detection of a substitution event prior to blocking objectionable content and thus, a user may view the objectionable content due to the delay in receiving the receipt of a V-block indication and detection and decoding. In contrast, the present claimed invention addresses the problem of displaying objectionable content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by controlling the output signal in a predetermined manner when the user selects one of the signal inputs for at least until program related information is detected. Therefore, Rumreich and Ford neither disclose nor suggest “control...[ling] said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected” as recited in claim 2 of the present invention.

In view of the above remarks, Applicant respectfully submits that Rumreich and Ford, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes claim 2 unpatentable. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

#### CLAIM 7

Dependent claim 7 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 7. Claim 7 is also considered to be patentable because Rumreich (with Ford) neither disclose nor suggest that “said processor is responsive to user selection of a second operating mode for controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels” as recited in the present claimed invention.

In Rumreich and Ford, when a new channel is selected the comparison and detection process described above begin anew. Before taking appropriate blocking action, the television receiver will again tune the new channel, even though a delay in detecting and decoding the new program related information is experienced. The present claimed invention, on the other hand, controls the “output signal in” the “predetermined manner for at least until ...[the] program related information is detected upon user selection of a new one of a plurality of ... signal channels.” This prevents the unauthorized viewing that can exist when there is a delay in receipt of program related information or the system fails to detect program related

information. This is not the case with Rumreich and Ford. By awaiting the receipt of a V-block indication or substitution event, the delay time of comparing the data with the user selected rating or detection of a substitution code is introduced. Therefore, Rumreich and Ford effectively allow a user to view inappropriate images until rating information is detected, decoded and compared with stored ratings data. The present claimed invention overcomes this hitch by blanking an image during the delay time between channel selection and receipt and comparing the ratings data and thus prevents the user from viewing inappropriate images. Rumreich and Ford neither disclose nor suggest these features of the present claimed invention.

Furthermore, combining the systems of Rumreich and Ford as suggested by the Office Action would result in a video signal processing system capable of blanking main and auxiliary images in a multi-image display while providing audio and video replacement clips when substitution events are detected. However, this combined system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display while the objective of Ford is to provide substitutions for potentially objectionable content in a video. In contrast, the present claimed invention addresses the problem of displaying objectionable content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by controlling the output signal in a predetermined manner for at least until the program related information is detected upon user selection of a new one of plurality of signal channels. Contrary to the claimed invention, Rumreich and Ford each depend upon a receipt of a V-block indication or detection of a substitution event prior to blocking objectionable content and thus, a user may view the objectionable content due to the delay in receiving the receipt of a V-block indication

and detection and decoding. Therefore, Rumreich and Ford neither disclose nor suggest “controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels.” as recited in claim 7 of the present invention.

In view of the above remarks, Applicant respectfully submits that Rumreich and Ford, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes claim 7 unpatentable. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

#### CLAIM 11

Independent claim 11 includes similar limitations as recited and discussed hereinabove with specific reference to claim 1 and it is respectfully submitted that the arguments presented above regarding Independent claim 1 are applicable to Independent claim 11. Claim 11 is also considered to be patentable because prior to the step of “tuning to the selected channel” the method of claim 11 requires the step of “blanking the display.”

Rumreich describes a system for blanking main and auxiliary images in a multi-image display. This system blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. Rumreich is concerned with blanking either or both a main and auxiliary image independently of one another. Col. 6, lines 18-50 of Rumreich describes a system whereby the programming information is received and then compared to a “user-selected rating limit.” Although Rumreich blanks the image “if the content is over the limit” as asserted by the Office Action, a

comparison must be made to determine if the content is within the limit prior to doing so. Only after the comparison, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image. Prior to and during this comparison time it is possible for an undesirable image to be viewed. This is unlike the present claimed invention which requires “blanking the display” then “tuning to the selected channel” and then “determine[ing] whether authorization exists for displaying the selected channel” and “if authorization...exists, display the selected channel, otherwise blank the display.” On the contrary, if the system described by Rumreich fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the comparison time by “blanking the display” prior to “tuning to the selected channel.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked. Therefore, as Rumreich allows displaying of program data until after a ratings comparison is performed, Rumreich neither discloses nor suggests “blanking the display” and then “tuning to the selected channel” as recited in the present claimed invention.

Ford is concerned with filtering out objectionable events during a television program or movie, such as profane or vulgar language or sexual or violent graphics. Objectionable video images and audio clips are temporarily replaced with non-offensive images and audio segments. Furthermore, the Office Action contends that “the objectable events” (or substitution events) for embedded codes and low end default blocking described in Col. 3, line

64 to Col. 4, line 11 of Ford perform the same function as the default blocking mode in the present claimed invention. Applicant respectfully disagrees. The substitution event codes, as described by Ford, are embedded in a video to identify the location and nature of substitution events. The “default action” described in Col. 4, lines 23-31, of Ford refers to the alternative action taken when a substitution event is detected. In certain low-end embodiments, the default action is to blank and mute the screen when objectionable material is detected. In higher-end embodiments, however, each substitution event code in the substitution event table has a corresponding entry (substitution attribute). The substitution attribute specifies a more complex type of action to be taken when a substitution event is detected. Thus, the substitution events must be detected by the introduction of the substitution event codes prior to displaying a blank screen. Unlike the present claimed invention, Ford only acts on the detection of a substitution event. Ford is not concerned with blocking out material until a substitution event code “that identify[ies] the location and nature of potentially objectionable events (called substitution events)” (Col. 3, lines 66-67) is detected. This is wholly unlike the present claimed invention in which the default blocking mode reduces user access to the program associated with a newly selected signal channel and continues such control at least until the processor determines whether the blocking criteria is met with respect to the program on the newly selected channel. Therefore, Ford neither discloses nor suggests “[a] method for selectively blanking a display comprising the steps of ...determining whether a default blanking mode has been set; if a default blanking mode is not set, unblank the display, otherwise retain display blanking ...” as recited in claim 11 of the present invention.

Additionally, Ford, similar to Rumreich, blanks an offensive image following a detection (or comparison). Specifically, Ford blanks the image upon detection of a substitution

event code as described above. Ford will not blank or substitute for an image without detection of a substitution code. This is unlike the present claimed invention which requires “blanking the display” then “tuning to the selected channel” and then “determine[ing] whether authorization exists for displaying the selected channel” and “if authorization ... exists, display the selected channel, otherwise blank the display.” In opposite to the present invention which blanks the display and then detects and processes ratings information, Ford detects a substitution code and then blanks the display or provides substitute images. If the system described by Ford fails to detect the substitution event code, the program data is continuously displayed thus allowing potentially undesirable images and audio to be viewed and heard. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the delay period in receiving program data as well as the comparison time by “blanking the display” prior to “tuning to the selected channel.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked. Furthermore, Ford does not even consider a “default blanking mode” as recited in the present claimed invention as Ford merely acts upon detection of a substitution code. Therefore, Ford neither discloses nor suggests “determining whether a default blanking mode has been set; if a default blanking mode is not set, unblank the display, otherwise retain display blanking ...” as recited in claim 11 of the present invention.

Furthermore, combining the systems of Rumreich and Ford as suggested by the Office Action would result in a video signal processing system capable of blanking main and auxiliary images in a multi-image display while providing audio and video replacement clips when

substitution events are detected. However, this combined system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display while the objective of Ford is to provide alternative substitutions for potentially objectionable content in a video. In contrast, the present claimed invention addresses the problem of displaying objectionable content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by “blanking the display” until ratings data is detected. To the contrary, reducing user access in each of Rumreich and Ford is dependent upon receipt of a V-block indication or detection of a substitution event. Rumreich and Ford do not contain a “default blanking mode” as recited in the present claimed invention. As Rumreich and Ford neither disclose nor suggest “[a] method for selectively blanking a display” by “selecting a change of channel to be displayed; blanking the display; tuning to the selected channel ...” as recited in the present claimed invention, both Rumreich and Ford may allow viewing of potentially objectionable content. In view of the above remarks it is respectfully submitted that claim 11 is patentable over Rumreich and Ford when taken alone or in combination.

In view of the above remarks, Applicant respectfully submits that Rumreich and Ford, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes claims 1-3, 6-7, and 11 unpatentable. As claims 2, 3, 6 and 7 are dependent on independent claim 1, all above arguments also apply to each of these claims. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.



**Rejection of Claims 4-5 and 8-10 under 35 USC 103(a) over  
Rumreich (U.S. 5,995,160) and Ford (U.S. 6,181,364 B1) as disclosed in claim 1 above in  
further view of Collings (U.S. 5,828,402).**

Reversal of the rejection of claims 4 – 5 and 8 – 10 under 35 U.S.C. 103(a) as being unpatentable over Rumreich in view of Ford and further in view of Collings is respectfully requested because the rejection makes crucial errors in interpreting the cited references. The rejection erroneously states that claims 4 – 5 and 8 – 10 are made unpatentable by Rumreich in view of Ford and further in view of Collings.

**CLAIM 4**

Dependent claim 4 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 4. Specifically, as discussed above regarding claim 1, Rumreich neither discloses nor suggests “reduce[ing] user access to said output for at least until said program related information is detected” as recited in claim 1 of the present invention. Contrary to the present claimed invention, Rumreich recites a system for blanking main and auxiliary images in a multi-image display that blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, the blanking performed by Rumreich occurs after the comparison of ratings data. Thus, it follows that in Rumreich, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image but prior to and during this comparison time it is possible for an undesirable image to be viewed. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related

information is detected.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked.

Ford describes a system for filtering out potentially objectionable content from a video. Objectionable video images and audio clips (substitution events) are temporarily replaced with alternative images and audio segments. The substitution events are only placed after the detection of objectionable matter is or detection of a substitution event, and therefore, Ford, similar to Rumreich, is not concerned with “reduce[ing] user access to said output for at least until said program related information is detected” as recited in the present claimed invention.

Collings describes a method and apparatus for selectively blocking audio and video signals which meet a certain criteria. The incoming video signals include data packets indicating program content. The data packets are compared to user preferences and blocked if the contents match or exceed stored preferences. Similar to Rumreich and Ford, Collings neither discloses nor suggests “reduce[ing] user access to said output for at least until said program related information is detected” as recited in the present claimed invention. Collings is concerned with being able to decode video signals which are coded according to any of a number of different coding schemes. Thus, similar to Rumreich and Ford, Collings does not account for the delay time required for a television receiver to receive and decode the program related information included in the auxiliary image data as in the present claimed invention.

Additionally in Collings, only after the comparison of “extracted information with ... stored preference information” (Col. 29, lines 28-30), if the content exceeds the user-selected rating limit, is the displayed image modified. Modifications may include blanking the image. Thus, Collings also neither discloses nor suggests “a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels” as recited in claim 1 of the present invention.

When a new channel is selected, the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. Such is the case with Collings. Collings is not concerned with reducing user access to an output prior to receipt of the program related information as in the present claimed invention. Additionally, if the system described by Collings fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the time between channel selection and receipt and comparison of the program related information by “reduce[ing] user access to said output for at least until said program related information is detected.” Collings is not concerned with the delay time between selecting and tuning a new channel and receipt of the program related information data as in the present claimed invention.

Furthermore, combining the systems of Rumreich, Ford and Collings as indicated by the Office Action would result in a video signal processing system capable of dealing with programs which may be coded according to two or more distinct coding schemes and used for

providing blanking main and auxiliary images in a multi-image display while providing temporarily audio and video replacement clips when substitution events are detected. The combined system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display; the objective of Ford is to temporarily filter out potentially objectionable content from a video; and the objective of Collings is to provide a video blocking system capable of dealing with programs which may be coded according to two or more distinct coding schemes. In contrast, the present claimed invention addresses the problem of displaying objectionable content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by reducing access to the output signal for at least until said program related information is detected upon user selection of a new one of the plurality of signal channels. Rumreich, Ford and Collings, alone or in combination, do not recognize the problem being addressed by the present claimed invention and thus, neither disclose nor suggest "reduce[ing] user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels" as recited in claim 1 of the present invention. Therefore, even if the system of Rumreich is combined with the systems of Ford and Collings, the combined system would neither disclose nor suggest "[t]he apparatus according to claim 1, wherein said program signal comprises a plurality of digital signal packets" as recited in claim 4 of the present claimed invention.

In view of the above remarks, Applicant respectfully submits that Rumreich, Ford and Collings, when taken alone or in combination, provide no 35 USC 112 compliant enabling

disclosure that makes claim 4 unpatentable. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

#### CLAIM 5

Dependent claim 5 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 5. Specifically, as discussed above regarding claim 1, Rumreich neither discloses nor suggests “reduce[ing] user access to said output for at least until said program related information is detected” as recited in claim 1 of the present invention. Contrary to the present claimed invention, Rumreich describes a system for blanking main and auxiliary images in a multi-image display that blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, the blanking performed by Rumreich occurs after the comparison of ratings data. Thus, it follows that in Rumreich, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image but prior to and during this comparison time it is possible for an undesirable image to be viewed. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related information is detected.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked.

Ford describes a system for filtering out potentially objectionable content from a video. Objectionable video images and audio clips are temporarily replaced with alternative images

and audio segments (substitution events). The substitution events are only placed after the detection of objectionable matter or detection of a substitution event, and therefore, Ford, similar to Rumreich, is not concerned with “reduce[ing] user access to said output for at least until said program related information is detected” as recited in the present claimed invention.

Collings describes a method and apparatus for selectively blocking audio and video signals which meet a certain criteria. The incoming video signals include data packets indicating program content. The data packets are compared to user preferences and blocked if the contents match or exceed stored preferences. Similar to Rumreich and Ford, Collings neither discloses nor suggests reducing access to the output signal for at least until the program related information is detected as in the present claimed invention. Collings is concerned with being able to decode video signals which are coded according to any of a number of different coding schemes. Thus, similar to Rumreich and Ford, Collings does not account for the delay time required for a television receiver to receive and decode the program related information included in the auxiliary image data as in the present claimed invention.

Additionally in Collings, only after the comparison of “extracted information with ... stored preference information” (Col. 29, lines 28-30), if the content exceeds the user-selected rating limit, is the displayed image modified. Modifications may include blanking the image. Thus, Collings also neither discloses nor suggests “a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels” as recited in claim 1 of the present invention.

When a new channel is selected, the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. Such is the case with Collings. Collings is not concerned with reducing user access to an output prior to receipt of the program related information as in the present claimed invention. Additionally, if the system described by Collings fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the time between channel selection and receipt and comparison of the program related information by “reduce[ing] user access to said output for at least until said program related information is detected.” Collings is not concerned with the delay time between selecting and tuning a new channel and receipt of the program related information data as in the present claimed invention.

Furthermore, combining the systems of Rumreich, Ford and Collings as indicated by the Office Action would result in a video signal processing system capable of dealing with programs which may be coded according to two or more distinct coding schemes and used for providing blanking main and auxiliary images in a multi-image display while providing temporarily audio and video replacement clips when substitution events are detected. Such a system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display; the objective of Ford is to temporarily filter out potentially objectionable content from a video; and the objective of Collings is to provide a video blocking system capable of dealing with programs which may be coded according to two or more distinct coding schemes. In contrast, the present claimed invention addresses the problem of displaying objectionable

content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by reducing access to the output signal for at least until said program related information is detected upon user selection of a new one of the plurality of signal channels. Rumreich, Ford and Collings, alone or in combination, do not recognize the problem being addressed by the present claimed invention and thus, neither disclose nor suggest “reduce[ing] user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels” as recited in claim 1 of the present invention. Therefore, even if the system of Rumreich is combined with the systems of Ford and Collings, the combined system would neither disclose nor suggest “[t]he apparatus according to claim 1, wherein said program signal comprises a plurality of time-multiplexed digital signal packets” as recited in claim 5 of the present claimed invention.

In view of the above remarks, Applicant respectfully submits that Rumreich, Ford and Collings, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes claim 5 unpatentable. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

#### CLAIMS 8 - 10

Dependent claims 8-10 are considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claims 8 - 10. Specifically, as discussed above regarding claim 1, Rumreich neither discloses nor suggests “reduce[ing] user access to said output for at least until said program related information is detected” as recited in claim 1 of the present invention. Contrary to the present



claimed invention, Rumreich recites a system for blanking main and auxiliary images in a multi-image display that blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, the blanking performed by Rumreich occurs after the comparison of ratings data. Thus, it follows that in Rumreich, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image but prior to and during this comparison time it is possible for an undesirable image to be viewed. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related information is detected.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked.

Ford describes a system for filtering out potentially objectionable content from a video. Objectionable video images and audio clips are temporarily replaced with alternative images and audio segments (substitution events). The substitution events are only placed after the detection of objectionable matter is or detection of a substitution event, and therefore, Ford, similar to Rumreich, is not concerned with “reduce[ing] user access to said output for at least until said program related information is detected” as recited in the present claimed invention.

Collings describes a method and apparatus for selectively blocking audio and video signals which meet a certain criteria. The incoming video signals include data packets indicating program content. The data packets are compared to user preferences and blocked if the contents match or exceed stored preferences. Similar to Rumreich and Ford, Collings

neither discloses nor suggests “reduce[ing] user access to said output for at least until said program related information is detected” as recited in the present claimed invention. Collings is concerned with being able to decode video signals which are coded according to any of a number of different coding schemes. Thus, similar to Rumreich and Ford, Collings does not account for the delay time required for a television receiver to receive and decode the program related information included in the auxiliary image data as in the present claimed invention.

Additionally in Collings, only after the comparison of “extracted information with ... stored preference information” (Col. 29, lines 28-30), if the content exceeds the user-selected rating limit, is the displayed image modified. Modifications may include blanking the image. Thus, Collings also neither discloses nor suggests “a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels” as recited in claim 1 of the present invention.

When a new channel is selected, the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. Such is the case with Collings. Collings is not concerned with reducing user access to an output prior to receipt of the program related information as in the present claimed invention. Additionally, if the system described by Collings fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the time between channel selection and receipt and comparison of the program related information by “reduce[ing] user access to said

output for at least until said program related information is detected.” Collings is not concerned with the delay time between selecting and tuning a new channel and receipt of the program related information data as in the present claimed invention.

Furthermore, combining the systems of Rumreich, Ford and Collings as indicated by the Office Action would result in a video signal processing system capable of dealing with programs which may be coded according to two or more distinct coding schemes and used for blanking main and auxiliary images in a multi-image display while providing temporary audio and video replacement clips when substitution events are detected. Such a system neither discloses nor suggests the features of the present claimed invention. Additionally, the purpose of Rumreich is to blank main and auxiliary images in a multi-image display; the objective of Ford is to temporarily filter out potentially objectionable content from a video; and the objective of Collings is to provide a video blocking system capable of dealing with programs which may be coded according to two or more distinct coding schemes. In contrast, the present claimed invention addresses the problem of displaying objectionable content during the delay time required for a television receiver to receive and decode program related information included with the program signal. The present claimed invention does so by reducing access to the output signal for at least until said program related information is detected upon user selection of a new one of the plurality of signal channels. Rumreich, Ford and Collings, alone or in combination, do not recognize the problem being addressed by the present claimed invention and thus, neither disclose nor suggest “reduce[ing] user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels” as recited in claim 1 of the present invention.

Collings describes an override menu and set-up display in Figure 5B and 5C. The override menu and set-up display in Collings is unlike the On Screen Display menu in the present claimed invention because the On Screen Display menu allows “user selection of ... [the] first operating mode.” The first operating mode controls the output signal for at least until the program related information is detected. Therefore, even if Rumreich combined his system with Ford and Collings, the system would neither disclose nor suggest “[t]he apparatus according to claim 1, wherein said processor is capable of providing an On Screen Display menu for allowing user selection of said first operating mode” as recited in claim 8 of the present claimed invention.

Claims 9 and 10 depend on claim 8 and thus are considered to be patentable because of the reasons discussed hereinabove with specific reference to claims 1 and 8 and all arguments presented above regarding claims 1 and 8 are applicable to claims 9 and 10.

In view of the above remarks, Applicant respectfully submits that Rumreich, Ford and Collings, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes claims 8 – 10 unpatentable. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

In view of the above remarks, Applicant respectfully submits that Rumreich, Ford and Collings, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes claim 1 unpatentable. As claims 4, 5 and 8 – 10 are dependent on independent claim 1, all above arguments also apply to each of these claims. Therefore,

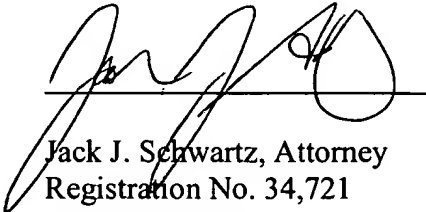
Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

### VIII. CONCLUSION

Rumreich, Ford and Collings, when taken alone or in any combination, neither disclose nor suggest an apparatus for blanking an image before the program related information is compared to the user-selected limit rating as in the claimed invention. Specifically, Rumreich, Ford and Collings fail to disclose or suggest an apparatus where the processor controls “the output signal for at least until the program related information is detected” as in the present claimed invention. Additionally, Rumreich, Ford and Collings neither disclose nor suggest having a processor control the output signal for a “second signal input” nor for “blanking the display” “for at least until” the “program related information is detected” as in the present claimed invention. Accordingly it is respectfully submitted that the rejection of claims 1– 11 be reversed.

Respectfully submitted,  
Joseph Wayne Forler

By:



Jack J. Schwartz, Attorney  
Registration No. 34,721  
(609) 734-6866

Patent Operations  
Thomson Licensing Inc.  
P.O. Box 5312  
Princeton, NJ 08543-5312

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**APPENDIX I - APPEALED CLAIMS**

1. (Original) An apparatus, comprising:

a signal input for receiving a program signal associated with one of a plurality of signal channels, said signal input selecting one of said plurality of signal channels in response to a user input;

a signal output for providing an output signal derived from said program signal;

an auxiliary data decoder for detecting program related information included in each said program signal; and

a processor operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels and user selection of a second operating mode for providing user access to said output signals and prior to detection of said program related information.

2. (Previously Presented) The apparatus according to claim 1, further comprising a second signal input for providing a second program signal from a second signal source, and a switch for operatively coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected.

3. (Original) The apparatus according to claim 1, wherein said program signal is a television signal.

4. (Original) The apparatus according to claim 1, wherein said program signal comprises a plurality of digital signal packets.

5. (Original) The apparatus according to claim 1, wherein said program signal comprises a plurality of time-multiplexed digital signal packets.

6. (Original) The apparatus according to claim 1, wherein said predetermined manner of control comprises one of blanking the video signal, replacing the video signal with an On Screen Display message, muting the audio signal and disabling associated closed captions.

7. (Original) The apparatus according to claim 1, wherein said processor is responsive to user selection of a second operating mode for controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels.

8. (Previously Presented) The apparatus according to claim 1, wherein said processor is capable of providing an On Screen Display menu for allowing user selection of said first operating mode.

9. (Original) The apparatus according to claim 8, wherein said processor is capable of

providing a restricted access On Screen Display menu for allowing user selection of said first operating mode.

10. (Original) The apparatus according to claim 9, wherein access to said On Screen Display menu is password protected.

11. (Previously Presented) A method for selectively blanking a display comprising the steps of:

selecting a change of channel to be displayed;

blanking the display;

tuning to the selected channel;

determining whether a default blanking mode has been set;

if a default blanking mode is not set, unblank the display, otherwise retain display blanking;

determine whether authorization exists for displaying the selected channel;

if authorization for displaying the selected channel exists, display the selected channel, otherwise blank the display.



**APPENDIX II - EVIDENCE**

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

**APPENDIX III - RELATED PROCEEDINGS**

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

**APPENDIX IV - TABLE OF CASES**

1. *In re Howard*, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968)
2. 29 AM. Jur 2D Evidence S. 33 (1994)
3. *In re Ahlert*, 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)
4. *In re Eynde*, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973)
5. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
6. ACS Hospital Systems Inc v. Montefiore Hospital, 221 USPQ 929,933  
(Fed. Cir. 1984)
7. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
8. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438  
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
9. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ  
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)
10. *In re Oetiker*, 977 F2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

**APPENDIX V - LIST OF REFERENCES**

<b><u>U.S. Pat. No.</u></b>	<b><u>Issued Date</u></b>	<b><u>102(e) Date</u></b>	<b><u>Inventors</u></b>
5,995,160	November 30, 1999		Rumreich
6,181,364	January 30, 2001		Ford
5,828,402	October 27, 1998		Collings

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